

Council Meeting - Agenda

CITY COUNCIL CALENDAR

Thursday, March 22, 2007 - 7:00 p.m.

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OPENING OF SESSION BY: CITY COUNCIL PRESIDENT LEO R. PIMENTAL

***PRAYER LED BY: THE VERY REVEREND FATHER CONSTANTINE BEBIS
PASTOR, ST. GEORGE GREEK ORTHODOX CHURCH
ARCHIMANDRITE OF THE GREEK ORTHODOX CHURCH***

***PLEDGE OF ALLEGIANCE LED BY: DIRECTOR/VETERANS AGENT DONAT "DAN" LEBLANC
AND FELLOW VIETNAM WAR VETERANS***

RESOLUTIONS

1. RESOLUTION, Councillors Lawrence, Alves, Koczera and Council President Pimental, Commemorating VIETNAM VETERAN'S DAY and the THIRTY-SECOND ANNIVERSARY OF THE END OF THE VIETNAM WAR.
2. RESOLUTION, Councillor Gonsalves, honoring the GREATER NEW BEDFORD REGIONAL VOCATIONAL TECHNICAL HIGH SCHOOL CHEERLEADERS.

HEARINGS

3. PETITION, NSTAR Electric Company, for location of one (1) Handhole in UNION STREET, West of Acushnet Avenue.
 - 3a. AN ORDER,
4. PETITION, NSTAR Electric Company, for two (2) 4" Conduits and one (1) Handhole in REED STREET, North of Union Street.
 - 4a. AN ORDER,
5. PETITION, NSTAR Electric Company, for four (4) 4" Conduits and one (1) Manhole in GIFFORD STREET, East of South Second Street.
 - 5a. AN ORDER,

MAYORS PAPERS

- M1. COMMUNICATION, Mayor Lang, to City Council, submitting a SEWER ABATEMENT REQUEST for Deolina Gibau, 140 Mill Street, New Bedford, MA, 02740, Account No. 004371A, in the amount of \$513.40.
- M2. COMMUNICATION, Mayor Lang, to City Council, submitting AN ORDER, for the transfer of \$3,100.00 from General Government Unclassified, Compensation Municipal Employees, to AIRPORT, SALARIES AND WAGES.
 - M2a. AN ORDER,
- M3. COMMUNICATION, Mayor Lang, to City Council, submitting AN ORDER, for the transfer of \$62,000.00 from Department of Public Facilities, Charges & Services, to FIRE, CHARGES & SERVICES.

M3a. AN ORDER,

M4. COMMUNICATION, Mayor Lang, to City Council, submitting AN ORDER, for the transfer of \$180,000.00 from Department of Public Facilities, Charges & Services, to VETERANS, CHARGES & SERVICES.

M4a. AN ORDER,

M5. COMMUNICATION, Mayor Lang, to City Council, submitting AN ORDER, for the transfer of \$1,900.00 from Department of Public Facilities, Charges & Services, to ASSESSORS, CHARGES & SERVICES.

M5a. AN ORDER,

M6. COMMUNICATION, Mayor Lang, to City Council, submitting AN ORDER, for the transfer of \$400.00 from Department of Public Facilities, Charges & Services, to ASSESSORS, SUPPLIES & MATERIALS.

M6a. AN ORDER,

M7. COMMUNICATION, Mayor Lang, to City Council, submitting AN ORDER, for the transfer of \$4,200.00 from Department of Public Facilities, Charges & Services, to ZOO, CHARGES & SERVICES.

M7a. AN ORDER,

M8. COMMUNICATION, Mayor Lang, to City Council, submitting AN ORDER, for the transfer of \$5,300.00 from Department of Public Facilities, Charges & Services, to ZOO, SUPPLIES & MATERIALS.

M8a. AN ORDER,

M9. COMMUNICATION, Mayor Lang, to City Council, submitting AN ORDER, for the transfer of \$7,930.00 from Department of Public Facilities, Charges & Services, to ELECTIONS, CHARGES & SERVICES.

M9a. AN ORDER,

M10. COMMUNICATION, Mayor Lang, to City Council, submitting AN ORDER, for the transfer of \$16,119.00 from Department of Public Facilities, Charges & Services, to ELECTIONS, SALARIES & WAGES.

M10a. AN ORDER,

M11. COMMUNICATION, Mayor Lang, to City Council, submitting AN ORDER, for the transfer of \$300,000.00 from Department of Public Facilities, Charges & Services, to DEPARTMENT OF PUBLIC FACILITIES, SUPPLIES & MATERIALS.

M11a. AN ORDER,

M12. COMMUNICATION, Mayor Lang, to City Council, submitting the REAPPOINTMENT of MR. VINCENT P. RODRIQUES, 254 Dawson Street, New Bedford, MA 02745, as a SPECIAL POLICE OFFICER.

M12a. APPLICATION,

NEW BUSINESS

6. REPORT, Committee on Appointments & Briefings recommending to the City Council the APPROVAL of the APPOINTMENT of RONALD A. DURGIN as COMMISSIONER OF INSPECTIONAL SERVICES, effective January 28, 2007, at a salary of \$68,279.00

6a. COMMUNICATION, Mayor Lang, to City Council, submitting the APPOINTMENT of RONALD A. DURGIN as COMMISSIONER OF INSPECTIONAL SERVICES, effective January 28, 2007, at a salary of \$68,279.

7. REPORT, Committee on Appointments & Briefings, recommending to the City Council to Grant One-Year Residency Waivers and Confirm Appointments as PARAMEDIC-INTERMITTENTS, to Sean Keener, 31 Buena Vista Avenue, Assonet, MA, 02702; Michael Gillis, 71 Pond Road, Duxbury, MA, 02332; John Moss 267 Wood Street, Bristol, RI, 02809.

8. REPORT, Committee on Appointments & Briefings, recommending to the City Council that a letter be sent to the D.O.R. requesting they review the appraisal procedures currently being used by the New Bedford Board of Assessors; and further, that the letter be signed by the Chairman of the Committee on Appointments & Briefings.
9. REPORT, Committee on Appointments & Briefings, recommending to the City Council APPROVAL of the DEMOLITION PERMIT for 94 FRONT STREET (CULTIVATOR CLUB), CONTINGENT UPON SITE PLAN REVIEW APPROVAL BY THE PLANNING BOARD.
10. REPORT, Committee on Finance, recommending to the City Council that the Monthly Sewer Abatement be Granted to Alan Olivier, Facilities Manager, Clean Rentals, Inc. in the amount of 6.64% monthly.
- 10a. COMMUNICATION, Mayor Lang, to City Council, submitting a **MONTHLY** SEWER ABATEMENT REQUEST to Alan Olivier, Facilities Manager, Clean Rentals, Inc., 355 Church Street, New Bedford, MA 02746 in the amount of **6.64% MONTHLY**.
11. REPORT, Committee on Finance, recommending to the City Council ADOPTION of AN ORDER, for the TRANSFER of \$57.00 from Licensing, Supplies and Materials to Licensing, Charges & Services.
- 11a. AN ORDER,
12. REPORT, Committee on Finance, recommending to the City Council ADOPTION of AN ORDER, for the TRANSFER of \$2,000.00 from Mayor's, Charges & Services to Mayor's, Supplies & Materials.
- 12a. AN ORDER,
13. REPORT, Committee on Finance, recommending to the City Council ADOPTION of AN ORDER, for the TRANSFER of \$5,112.00 from Inspectional Services, Salaries & Wages to Health, Charges & Services.
- 13a. AN ORDER,
14. REPORT, Committee on Finance, recommending to the City Council ADOPTION of AN ORDER, for the TRANSFER of \$600.00 from Inspectional Services, Salaries & Wages to Planning, Charges & Services.
- 14a. AN ORDER,
15. REPORT, Committee on Finance, recommending to the City Council ADOPTION of the following ORDERS for transfers from General Government Unclassified, Compensation Municipal Employees, to Salaries & Wages as follows: a. \$14,800.00 to Assessors; b. WITHDRAWN; c. \$2,124.00 to Elections; d. \$94,000.00 to EMS; e. \$5,295.00 to Fire; f. \$40,280.00 to Health; g. \$44,296.00 to Police.
- 15a. AN ORDER,
- 15b. WITHDRAWN/NO FURTHER ACTION (See Paper Number 000265, In City Council March 08, 2007)
- 15c. AN ORDER,
- 15d. AN ORDER,
- 15e. AN ORDER,
- 15f. AN ORDER,
- 15g. AN ORDER,
16. WRITTEN MOTION, Council President Pimental and Councillor Gomes, asking that the City Council request the Mayor to put into the Department of Public Facilities' budget, enough money to erect a fence around the Renwick Soccer Field in New Bedford's South End, in order to help prevent vandalism; and further, that we do this as soon as possible, so the field that was recently repaired remains a safe place, and in excellent condition for our City's youth as well as our adults to utilize.
17. WRITTEN MOTION, Councillor Gonsalves, requesting that the Director of the Buttonwood Park Zoo, meet with the Committee on Appointments and Briefings, to update us on the re-accreditation process currently pending, as well as any planned improvements at the Zoo. (To be Referred to the Committee on Appointments and Briefings.)

18. WRITTEN MOTION, Councillor Alves, asking that the City Council request the Department of Public Infrastructure, as a safety issue and in an effort to encourage and maintain business in the important and key fishing industrial section of the North Terminal area, that we take immediate action to replace the numerous light poles on MacArthur Drive that have been damaged and/or removed due to car and/or truck accidents because without such lights the area is dark and sometimes dangerous during the night.
19. WRITTEN MOTION, Councillor Pina, requesting that the City Solicitor and/or the Administration provide a detailed cost of all lawsuits and settlements that have been brought against the Police Department, in the last ten (10) years.
20. WRITTEN MOTION, Councillor Lawrence, requesting that DPF Superintendent Blanchard INCREASE THE WATTAGE of the streetlights on Nye and Bullard Streets, from Acushnet Avenue to Ashley Boulevard, as soon as possible, to act as a deterrent to the increasing number of unsavory characters loitering and/or conducting illegal activities in those areas.
21. WRITTEN MOTION, Councillor Alves, pursuant to a conversation between this Councillor and Mashpee Tribal Council Chairperson Glenn Marshall, requesting that he and Tribal Members responsible for the future economic development of the Tribe be cordially invited to meet with the City Council Special Committee on Gaming at its next meeting, and that we also invite and encourage representatives of the New Bedford Economic Development Council, New Bedford Redevelopment Authority, New Bedford Industrial Park Foundation, Chamber of Commerce, Greater New Bedford Career Center, the City's Offices of Tourism/Marketing and Planning/Planning Board to attend the meeting, to emphasize, highlight and make a brief presentation as to the advantages and potential (in addition to a possible gaming venue) the more immediate possibilities for development of Tribal Economic ventures and businesses in the City of New Bedford, as well as the benefits the City can provide through funding, grants, TIF's and private financing, to leverage Tribal Resources and funding sources, in an effort to encourage the development/opening of Tribal businesses by Tribal Members in the City of New Bedford, as well as with the goal that we all work together to jointly seek to offer job opportunities/assistance to Tribal Members and City Residents, and to encourage the Tribe to **take advantage of our great work force and their strong ties to the New Bedford** Community and its Citizens.
22. WRITTEN MOTION, Councillors Alves and Koczera, at the request of concerned neighbors and residents in the area, regarding the activity in and around the vacant building, e.g., drinking and smoking on the roof connecting to the former Sunbeam Bakery Storage Building currently under development, and in light of the fact that no developers responded to the ELCO Dress RFP recently issued, that representatives of the Administration, and the City's Department of Infrastructure, Planning and Economic Development be invited to the next meeting of the Committee on Appointments and Briefings to provide the City Council and concerned neighbors with the Administration's plans and timeline (hopefully, within the next 90 days) for the removal/demolition of the building, using the funds acquired by Representative Koczera for just such a project, before the building burns or someone is injured.
23. WRITTEN MOTION, Council President Pimental, on behalf of constituents, asking that the Committee on Appointments and Briefings meet with Animal Control Officer Emmanuel Maciel, and any other interested parties, to discuss the possibility of establishing an area in the City for a Dog Park.
24. WRITTEN MOTION, Councillor Lawrence, requesting that the Committee on Appointments and Briefings meet with a representative and investors on the City's Pension Board to review the stability of their investments and projected revenue for the upcoming Fiscal Year, and Acting City Treasurer Normand Audette be invited to said meeting as well.
25. COMMUNICATION, Director/Veterans Agent Donat J. LeBlanc, to Council President Leo R. Pimental, responding to February 14, 2007 letter regarding City Council Motion for a "special license plate" to support Veteran's benefits in the Commonwealth. (Submitted by Council President Pimental. To be Referred to the Committee on Veterans Affairs, Elderly, Health, Housing and Disability Issues.)

26. COMMUNICATION, Board of Health Chairperson Barbara Silva, to Council President Pimental and Committee on Appointments and Briefings Chair, Councillor Lawrence, re: explaining absence of Health Board Members from Committee on Appointments and Briefings Meeting on March 13, 2006. (Copies provided to all Councillors 03/14/07.) (Submitted by Council President Pimental. To be Referred to the Committee on Appointments and Briefings.)
27. COMMUNICATION, NOTICE OF COMPLAINT – New Bedford Licensing Board, to Joao Natel Corp., d/b/a Shawmut package Store, advising of complaints from neighbors relative to liquor deliveries. (Submitted by Councillor DeMedeiros. To be Received and Placed on File.)
28. COMMUNICATION, Blair S. Bailey, Tax Title Attorney, to City Council, re: Acquisition of New Tax Possession, advising that, on February 08, 2007, the Land Court issued a Decree of Foreclosure, and the City has acquired the following property as Tax Possession: Tallman Street, Plot 37/Lot 9, Area of 1,700 square feet (Former Owners: Peter Demers & Bank of America.) Total Amount due on the parcel as of the date of the Decree is \$33,560.02
29. COMMUNICATION, Blair S. Bailey, Tax Title Attorney, to City Council, re: Acquisition of New Tax Possession, advising that, on February 13, 2007, the Land Court issued a Decree of Foreclosure, and the City has acquired the following property as Tax Possession: 1268 Pleasant Street, Plot 72/Lot 31, Area of 2,246 square feet (Former Owners: Mark S. Messier & Maria F. Melo.) Total Amount due on the parcel as of the date of the Decree is \$10,465.81.
30. COMMUNICATION, Blair S. Bailey, Tax Title Attorney, to City Council, re: Acquisition of New Tax Possession, advising that, on February 08, 2007, the City has acquired the following property as Tax Possession: 265 Central Avenue, Plot 109/Lot 103, Area of 4,000 square feet (Former Owner: Mary F. Camacho.) Total Amount due on the parcel as of the date of the Decree is \$36,949.50.
31. COMMUNICATION, Blair S. Bailey, Tax Title Attorney, to City Council, re: Acquisition of New Tax Possession, advising that on February 08, 2007, the Land Court issued a Decree of Foreclosure, and the City has acquired the following property as Tax Possession: 145 Acushnet Avenue, Plot 37/Lot 14, Area of 3,700 square feet (Former Owners: Pearl L. Kydd & Bank of America.) Total Amount due on the parcel as of the date of the Decree is \$39,576.04.
32. COMMUNICATION/NEWS RELEASE, New Bedford Whaling National Historical Park, March 14, 2007, FAX'd to City Council, re: William J. Rotch Gothic Cottage Designated a National Historic Landmark and announcing ceremony regarding same on March 24, 2007, at 11:15 a.m. at the Rotch Cottage. (Copy all Councillors 03/14/07.)

TABLED BUSINESS

02/23/06 WRITTEN MOTION, Councillor Saunders, requesting RECONSIDERATION on the matter of the COMMUNICATION, Mayor Lang, to City Council, submitting for approval the RE-APPOINTMENT of JOSE GOUVEIA, 112 Bryant Lane, New Bedford, MA, to the HARBOR DEVELOPMENT COMMISSION, whose term expired December 2001. This appointment will expire December 2007. (Appointment Confirmed – Yeas 11, Nays 0 at the regular City Council Meeting on February 09, 2006 Agenda.) (Note: This Item, which is Item #L14 on Late File Agenda was confirmed on a Substitute Motion by Councillor Morad, which was allowed, and Appointments Confirmed on Items L8, L10, L11, L12, L14, L16, L31 and L33.)

02/23/06 COMMUNICATION, Mayor Lang, to City Council, submitting for approval the RE-APPOINTMENT of JOSE GOUVEIA, 112 Bryant Lane, New Bedford, MA, to the HARBOR DEVELOPMENT COMMISSION, whose term expired December 2001. This appointment will expire December 2007.

07/20/06 CITATION, Councillor Pina, honoring PAUL PELLETIER, in recognition of his Years of Service to the Residents of Boa Vista Housing Development as President of the Tenant Association for the past Six Years.

08/17/06 CITATION, Councillor Morad, honoring SPECIALIST ALVARO A. SANTOS, United States Army Reserve, 844th Engineering Battalion, a Heavy Construction Equipment Operator, who served in support of Operation Iraqi Freedom in Kuwait from December 18, 2004 to December 12, 2005 and was awarded the Army Achievement Medal, the National Defense Service Medal, Global War on Terrorism Expeditionary Medal, Global War on Terrorism Service Medal, Armed Forces Reserve Medal with “M” Device, Army Service Ribbon and the Overseas Service Ribbon.

08/17/06 CITATION, Councillor Pina, honoring BELMIRO FERNANDES, United States National Guard, in recognition of his serving our County in Operation Iraqi Freedom, from September 06, 2005 until July 06, 2006.

08/17/06 RESOLUTION, Council President Alves, recognizing AUGUST 09, 2006, as COMCAST/TOON DISNEY'S PASSPORT TO READING DAY IN NEW BEDFORD.

08/17/06 RESOLUTION, Council President Alves, honoring POLICE OFFICER PAUL FONSECA for his HEROIC ACTIONS AT THE SAVOY NURSING HOME FIRE – JULY 23, 2006.

01/25/07 RESOLUTION, Councillors Pimental, DeMedeiros, Morad and Gonsalves, honoring CAROL ROY on her 40 YEARS OF DEDICATED SERVICE TO THE CITY OF NEW BEDFORD'S ASSESSORS' OFFICE.

01/25/07 WRITTEN MOTION, Councillor Pina, requesting, on behalf of the residents of Hillman Street, that the Traffic Commission issue Residential Parking signs to the neighbors surrounding the Quest Center and New Directions, as the employees, and visitors, are taking up all the parking spaces, and, since there is no residential off-street parking at their homes, the residents are in need of parking places.

02/08/07 HEARING, on APPLICATION of CYNTHIA AND ERIC BELINKOFF, 366 HATHAWAY REALTY TRUST, 366 HATHAWAY ROAD, NEW BEDFORD, MA 02740, requesting AN INCREASE in License to keep, store and/or sell products of CRUDE PETROLEUM or any of its products, at 366 HATHAWAY ROAD, being Plot 94, Lot 20; Application is for 40,000 GALLONS (from 25,520 gallons) of gasoline and diesel fuels underground. (License for 25,520 gallons was previously granted on September 13, 1973, to Texaco, Inc., and registered to 366 Hathaway Realty Trust in August 2006.) (In City Council February 08, 2007 – Tabled until next Council Meeting – February 22, 2007.) (In City Council February 22, 2007 – Motion by Councillor DeMedeiros to keep item on the Table ADOPTED – All Ayes. - TABLED)

02/08/07 AN ORDER, (In City Council February 08, 2007 – Tabled until next Council Meeting – February 22, 2007.) (In City Council February 22, 2007 – Motion by Councillor DeMedeiros to keep item on the Table ADOPTED – All Ayes. - TABLED)